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## FACSIMILE

<b>TO:</b> TC 1600 - <b>BEFORE FINAL</b>		United States Patent and Trademark Office	703 872-9306
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<b>FROM:</b> Patrea L. Pabst			
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	404 817-8473	7	
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DATE: July 15, 2002	URGENCY: <input type="checkbox"/> SUPER RUSH	<input type="checkbox"/> RUSH	<input type="checkbox"/> REGULAR
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**MESSAGE: IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David William Holden

Serial No.: 09/714,602

Art Unit: 1636

Filed: November 16, 2000

Examiner: G. Leffers

For: "IDENTIFICATION OF GENES"

ATL1 #534822 v1

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Please type a plus sign (+) inside this box → ☐**GROUP 1636**


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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/714,602	
	Filing Date	November 16, 2000	
	First Named Inventor	David William Holden	
	Group Art Unit	1636	
	Examiner Name	G. Leffers	
Total Number of Pages in This Submission	6	Attorney Docket Number	RPMS 101 CON (3)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Transmission and, Fax Cover Sheet
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Firm or Individual name	Patrea L. Pabst, Reg. No. 31,284 Suite 2000, One Atlantic Center, 1201 West Peachtree Street, N.E.; Atlanta, GA 30309-3400	
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**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)-0-

**Complete if Known**

Application Number 09/714,602

Filing Date November 16, 2000

First Named Inventor David William Holden

Examiner Name G. Leffers

Group Art Unit 1636

Attorney Docket No. RPMS 101 CON (3)

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
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to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity / Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 610	207 265	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims 25 - 31 = 0 X Fee from below 0 = 0

Independent Claims 4 - 4 = 0 X Fee from below 0 = 0

Multiple Dependent

Large Entity / Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)-0-

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity / Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,620	147 2,620	For filing a request for <i>ex parte</i> reexamination	
112 820*	112 820*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,860	228 880	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 480	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
681 40	681 40	Recording each patent assignment per property (times number of properties)	
148 740	248 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
168 800	168 800	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)-0-

**SUBMITTED BY**

Name (Print/Type)

Patricia L. Pabst

Registration No.

31,284

Complete (if applicable)

Telephone

(404) 817-8473

Signature

Date

July 15, 2002

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Applicant:** David William Holden**Serial No.:** 09/714,602**Art Unit:** 1636**Filed:** November 16, 2000**Examiner:** G. Leffers

#10B

**For:** "IDENTIFICATION OF GENES"Assistant Commissioner for Patents  
Washington, D.C. 20231**RESPONSE TO RESTRICTION REQUIREMENT****Sir:**

Responsive to the Office Action mailed June 13, 2002, please consider the following remarks. It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any fees to Deposit Account No.50-1868.

**Response to Restriction Requirement**

1. In the Office Action mailed June 13, 2002, the claims were divided into five groups, Group I, claims 3, 57-79 and 86, drawn to methods for identifying a mutant microorganism having a reduced adaptation to a particular environment, methods of identifying the mutant gene, the identified microorganism and the identified gene; Group II, claims 80-85, drawn to a non-human animal containing a plurality of mutant microorganisms wherein each mutant microorganism contains a different marker sequence; Group III, claims 80-83, drawn to an animal cell culture containing a plurality of mutant microorganisms wherein each mutant

U.S.S.N. 09/714,602

Filed: November 16, 2000

**RESPONSE TO RESTRICTION REQUIREMENT**

microorganism contains a different marker sequence; Group IV, claims 80-81, drawn to a plant containing a plurality of mutant microorganisms wherein each mutant microorganism contains a different marker sequence; and Group V, claims 80-81, drawn to a plant cell culture containing a plurality of mutant microorganisms wherein each mutant microorganism contains a different marker sequence.

In response, applicants elect Group I, claims 3, 57-79, and 86, without traverse.

✓ Please cancel claims 80-85.

Favorable consideration of claims 3, 57-79, and 86 is earnestly solicited.

Respectfully submitted,



Patrea L. Pabst  
Reg. No. 31,284

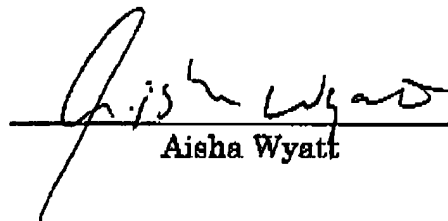
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(404) 817-8588 (fax)

Applicant(s): David William H Iden  
Serial & Docket No.: 09/714,602  
Filed: November 16, 2000

### **CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that a Response to Restriction Requirement with Certificate of Transmission Via Facsimile Under 37 C.F.R. § 1.8(b); Fee Transmittal Sheet (in duplicate); Transmittal Form; authorization to charge/credit the Deposit Account along with any paper referred to as enclosed, is being transmitted via facsimile to TC 1600 at (703) 872-9306 within the United States, to the Commissioner for Patents, Washington, D.C. 20231 on the date shown below.



Aisha Wyatt

Date: July 15, 2002

ATL1 #584320 v1